



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

GORHAM TEACHERS ASSOCIATION/NEA-
NEW HAMPSHIRE

Petitioner

and

GORHAM SCHOOL DISTRICT

Respondent

CASE NO. T-0276:3

DECISION NO. 89-72

Representing Gorham Teachers Association/NEA-NH:

John Fessenden, UniServ Director North Country Region, NEA-NH

Representing Gorham School District:

Bradley F. Kidder, Esq., Counsel

Also appearing:

Robert Bellavance, Supt., Gorham School District

Kristy Lavertue, R.N., G.T.A.

Karen Sullivan, R.N., G.T.A.

Jean Palm, G.T.A.

Hugh Watson, N.H.S.B.A.

BACKGROUND

On April 16, 1989, the Gorham School District motioned for rehearing of Hearing Officer Jack Buckley's Decision No. 89-27 on the basis that it did not make findings of fact other than a few basic conclusions whereas the District had presented 33 requests for findings. The Hearing Officer decision granted the Association's petition to modify the bargaining unit to include school nurses.

Full hearing in this matter was held on September 12, 1989 at the PELRB office in Concord, New Hampshire

Both parties presented their positions and oral testimony.

FINDINGS OF FACT

The Board responds to the detailed requests for findings in this case as follows:

- #1 Granted in part. Denied in part. There was no evidence presented that nurses were dealt with specifically on a special subject of negotiation.

#2,3,4,5,6,7,8,9 Granted.

#10 Gorham school nurses work approximately the same hours as teachers. Testimony from nurses indicated that they were in their offices before school starts and until buses are loaded at end of the school day.

#11,12 Granted.

#13 Granted. However testimony of teachers at the rehearing revealed an accepted workday of 7½ hours.

#14 Granted.

#15 The EFS Nurses was an agreement which reads school nurse R.N. which constitutes as change from the past history of the position.

#16 Granted.

#17 Granted in part. Denied in part. School nurses must be certified by the School Nurse Association and must be qualified as a school nurse to fill the position of school nurse.

#18 General practice throughout N.H. School Districts is to have on its staff either a part-time or full-time certified school nurse.

#19 Benefits given generally to school nurses in Gorham is similar to support staff benefits, however, testimony revealed the High School Nurse's contract is similar to the teachers' contract.

#20 Both teachers and nurses receive sick leave benefits generally the same, however, awarded by different formula.

#21 Both teachers and nurses are provided life and long term disability insurance, however, paid for in different ways.

#22 Gorham nurses do not have daily teaching assignments and are resource persons. Testimony at the rehearing indicated nurses in Gorham have in fact taught health subjects in the classroom not under the supervision of a classroom teacher and further that a nurse was scheduled to teach health subjects 3 periods per week for 4 weeks, (Testimony of Nurse Lavertue) and further testimony of Nurse Sullivan revealed she taught a maturation program for girls on sexually transmitted diseases.

#23 Granted.

#24 Testimony at rehearing indicated school nurses while not having a regular daily role in the classroom do in fact come in contact daily with students and do give instructions in health matters.

- #25 Gorham school nurses are not normally assigned supervisory duties of children at recess times, bus times or lunch hours; however, direct testimony indicated nurses were requested to perform those duties occasionally.
- #26 Denied. Gorham nurses participate in their own development program in the nursing field and are not required to participate in staff development as teachers, however, testimony indicated nurses are urged by their supervisors to keep abreast of changing requirements of the professional use and detection of drug use.
- #27 Gorham school nurses are not required to attend staff meetings but are noticed at meetings and frequently attend.
- #28,29,30 Granted.
- #31 Gorham teachers do not evaluate students as do teachers, however, they evaluate students as they are involved in the medical areas and testimony revealed nurses work closely with teachers with respect to student medical capabilities and problems.
- #32 Granted. However, it is not unusual for an overqualified person to be employed in a position requiring less qualification than possessed by the incumbent.
- #33,34,35 Granted.
- #36 In question the school nurses are not primarily teaching professionals although their duties do involve instructional duties with students in the health field.
- #37 Granted.
- #38 Denied. Nurse testimony at the hearing indicated a show of community of interest with the teachers, dealing daily with teachers and participating in individual student capability and health requirements.

ORDER

The Board reaffirms the Hearing Officer's decision no. 89-27 and so modifies the bargaining unit to include school nurses.

Signed this 19th day of October, 1989.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and Daniel Toomey present and voting. Executive Director, Evelyn C. LeBrun did not attend.